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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON TUESDAY, 24TH JANUARY
2012 AT THE KENYA NATIONAL LIBRARY HALL IN WUNDANYI**

(Women Hearing)

PRESENT

Margaret Wambui Shava - The Presiding Chair, Kenya

Gertrude Chawatama - Commissioner, Zambia

(The Commission commenced at 11.55 a.m.)

Ms. Rebecca Mutuku: I would like to take this opportunity to welcome our Commissioners. The women from Wundanyi are here and they are waiting for you to tell you their issues. I know that you are tired but you came here to listen to us. They have spoken about the mandate of the Commission and how the procedure of the meeting is going to be. I would like you to greet the women so that we can start the hearing.

The Presiding Chair (Commissioner Shava): Thank you Rebecca. My name is Margaret Shava and I am a Commissioner from Kenya and I am here with my sister from Zambia. She is going to greet you and tell you her name.

Commissioner Chawatama: Good morning ladies! It is so nice to see so many happy faces. My name is Gertrude Chawatama and I come from a beautiful country called Zambia where I work as a high court judge. It is excellent to be here and as a woman I know that even when we smile and we make out that we are really happy and everything is alright, I know that deep down we have issues that we need to deal with. That is why we are here to listen to those issues and share with one another and I pray that by the time we leave, there will be burdens that will be lifted and there will be cares that will be cast. I look forward to us having dialogue. Thank you.

Ms. Rebecca Mutuku: Thank you very much Commissioners. We have talked with the women and told them the procedure we are going to follow and how those who have written statements are going to present them and because they are not many, I think everyone is going to get a chance to talk about their issues. I would like to start the meeting and I would like to ask those who are not supposed to be here to please leave. I would like to ask those who are going to speak to take the shortest time possible to explain your issue because there are other women who would also like to speak. I would like us to start with Pamela. For record purposes, you will first start by telling us your name.

Ms. Pamela Atieno: I greet you all in the name of Jesus. I am saved and I love Christ. My name is Pamela Atieno from Voi. I am very bitter despite the fact that I heard that a woman can be smiling but inside she is hurt. I am married and I do some casual work

because I was never educated but I have worked hard to educate my two children. My son did his KCSE in 2008 and my daughter sat for her KCSE in 2010. I have struggled and the first born was admitted to Mombasa Polytechnic but I was not able to pay for his fees so I went to my MP's office to cry to him. He heard me and wrote a letter saying that I should get a bursary or that I should be assisted by the CDF. The MP told me that I should go to Mombasa Polytechnic and get the admission letter so that they could be sure that the child had been admitted. I sold off some things in order to get the money to go take the child to school. I went back to the office and filled a form but I did not get any response and my child had to drop out of school. I was very bitter and my child cried and he almost committed suicide. I had to call the pastor to counsel him and after that, I followed the bursary issue up with the office. The MP asked for a meeting but the councilor who knows me did not tell me so when I went to the office, he said that he did not know me. When I reported to the office, they told me that I had not submitted my form. I told them that I did and they told me that anytime a form is picked, it is recorded with a number of the form so when they went back to the submission office, the form was not there. I got tired and just left and my child has been getting some counseling from the pastor and now I can see that he is getting some hope but his mind is not settled. He is always asking me when he will go back to school and he says that if he does not go back to school his life will not be well. He is mentally not settled.

Commissioner Chawatama: How old is your son now?

Ms. Pamela Atieno: He is now 23 years old.

Commissioner Chawatama: What did he want to study at the polytechnic?

Ms. Pamela Atieno: I am not very sure but he wanted to be a mechanic or an engineer.

Commissioner Chawatama: What is his name?

Ms. Pamela Atieno: He is called Thomas Tindiana Odongo.

The Presiding Chair (Commissioner Shava): Mama Pamela I am very sorry. I can see the pain in your face. When we have children and we work so hard to raise them, they survive through childhood diseases, we manage to feed, house and clothe them, they go to school and do well which is what we tell them to do. It is our duty to help them to read and then we are unable to do that, it is very painful and when there are mechanisms which are supposed to help us do that and those mechanisms fail us, that is also extremely painful. We thank you for coming to talk through your pain because I am sure the story you are telling is the story of many other women who do not have the strength and the courage that you do to come and speak of these issues and to relieve that pain which is what we can see happening to you. We would just like to encourage you and we are going to have the powers given to you by law to see how we can help you in this painful issue.

Ms. Rebecca Mutuku: We are sorry and we understand the pain you are going through. There is a woman who is representing the disabled and she is called Lucy Mganga.

Ms. Lucy Mganga: I greet you all in the name of Jesus. My name is Lucy Mganga from Wundanyi. I want to speak on behalf of the disabled who came together as a group in 1997. Our goal of joining hands was to look for ways of helping ourselves because women have the most problems and we thought that if we come as a group, then we can get some assistance. We had been told that we will get some assistance from the CDF programs when, in 2003, it was announced that some money had been given for the disabled people in Wundanyi. In 2004, we tried to follow that issue up but we have not got any response. We were allocated 500,000 shillings but it has not come through.

On my personal side, I have a family problem. We had a piece of land which was given to me by my father but he was not able to complete the hand over process. I dropped out of school in form two for lack of fees. I was taken to a rehabilitation center and after I finished, I started my own business. When I started the business, my father fell sick and he was unable to help himself so it became necessary that I take care of him. Since we had not finished paying for the piece of land, I had to step in and help my parents to continue paying for it. Someone came and grabbed our land since my father was sick and weak. When we checked, we found out that the person who had sold the land to us had also sold it to another person. The piece of land was taken from us despite the fact that I had grown up knowing that it was ours. We thought that that was an offence and because of that issue, I fell sick and I was crying all the time. Later, I was able to calm down and I realized that I had to work so that I could help my siblings. That piece of land is what we depended on and we do not have anywhere to farm and we do not have keep our animals so we now have nothing to do. That is all.

The Presiding Chair (Commissioner Shava): Thank you very much Lucy. How many siblings do you have? You are the first born, how many brothers and sisters follow you?

Ms. Lucy Mganga: We were two girls. The first one was a girl but she has since passed so I am the only girl and six brothers.

The Presiding Chair (Commissioner Shava): Where was this land that was sold?

Ms. Lucy Mganga: It is in Wundanyi in Mwabalu.

The Presiding Chair (Commissioner Shava): You said that you started a business. What business do you do?

Ms. Lucy Mganga: I sew clothes.

Commissioner Chawatama: You have talked about some of the challenges that you have faced in trying to access CDF funds. What sort of recommendations do you have in you being able to access these funds? It seems that even if the money comes as a group, you have had a lot of difficulties in accessing it. I do not know whether or not you

received letters or any other documents that will show that a certain amount of money has been allocated to you and whether or not you are informed how to access this money.

Ms. Lucy Mganga: We have gone to the DDO many times to ask about the money but we did not get any solution.

Commissioner Chawatama: Do you know how some of this money that is received is spent? Have you seen anything that has been done to show that funds have been received and it has been put to good use?

Ms. Lucy Mganga: There are schools and polytechnics and children also get bursaries.

Commissioner Chawatama: On the land, do you know how much your father paid and what the balance was that remained unpaid?

Ms. Lucy Mganga: I am not aware of the amount that had been paid but what was remained for us to receive a title deed was Kshs600. My father suffered a stroke and he did not have anyone to fight for his rights. That was when the letter came for him to go to the office for the land to be transferred and it was taken away after some arguments.

Commissioner Chawatama: Did you sign any papers?

Ms. Lucy Mganga: My father signed some documents but my name was not in them.

Commissioner Chawatama: Thank you very much.

Ms. Rebecca Mutuku: There is a woman who wants to speak about religious and cultural challenges facing women.

Ms. Naima Swale: My name is Naima Swale, I come from Taveta and I am a councilor at Taveta area. I would like to speak about Islamic religion. In general Islamic women are oppressed because of religion. Because men know about these issues they take the advantage of oppressing us as women.

There are many issues in religion that stop us as women. Right now, I am not supposed to stand in front of a man and speak. I am asking that Muslim women should be given chances. Women cannot face men.

In general, in Taita Taveta Female Genital Mutilation (FGM) is not spoken about but it is there for the Somali. The man is the head of the house in Islamic laws. The women take directions from the men. I would like that we organize workshops or meetings for men so that they can be shown videos to see how painful it is for a woman to be circumcised. They are circumcised at the age of between four years and six years. They should also be shown the effects of circumcision on delivery of children. If Somali or Islamic women are not circumcised, they are told they are prostitutes. There is a lot to be learnt about this issue. The women should not just be set aside.

Commissioner Chawatama: Sorry. When you said that there are many issues that women face that stop them; you have talked about FGM, what other things stops them?

Ms. Naima Swaleh: There is education. Most Muslim women are not given the chance to get education. We are told that we are supposed to be married. For example, before I became a councilor, I had to lie to my mum that there was this man who was coming to marry me. I had to look for a man to lie to her that he was going to marry me and give me a chance to vie for the post of area councilor. I stayed for two weeks; she wanted to throw me out of the house...

(The witness broke down)

For two weeks she did not talk to me. I decided to stand my ground because every time I looked for jobs she refused. My father died and my mother said I did not want to listen to her because she was a woman. My aunty told me to ask for forgiveness from my mother which I did. She accepted and stood with me. I was elected as a councilor on a KADU ticket.

We need to educate the girl child especially the Muslims. Without your own money you cannot develop. Men will oppress you and do anything they want. The culture and traditions oppress the girl child. We accept to do everything a Muslim woman is supposed to do but let them give the girl child a chance to go to school.

Commissioner Chawatama: Any other area? We will give you time to think. If you think of any other area where there are challenges you can later share with us.

We celebrate your life and because you stood firm I am sure you will be an example for other young ladies who will follow your footsteps. They will look at your life and say that because you were able to stand firm because you knew what you wanted, you suffered, the relationship with your mum suffered but you stood firm and look at you now. Thank you very much for sharing with us.

What is your mummy saying now?

Ms. Naima Swaleh: When she hears I am called honorable she is happy about it. She is now proud of me. She does not say it but you can see on her face.

Commissioner Chawatama: I am sure she has a lot of admiration for you. As we have travelled throughout Kenya we have heard similar stories told. We have also heard from many women who are now so grateful that they educated their daughters because the girls are looking after their parents more than the boys. A girl can go away but they never forget their parents. They send money and visit and even build homes for them. I hope that you will use your position as councilor to educate people in your community, especially the girl child and especially mothers. Even encourage your mother to speak to other mothers so that we have a major breakthrough so that you are not alone in the position you are holding. I hope that five years from now or even less, you will be a Member of Parliament. We wish you all the best.

Ms. Naima Swale: Thank you very much.

Ms. Rebecca Mutuku: Thank you, our sister, for speaking about your issue. Women, have you heard? The responsibility to educate the girl child is ours as women. When you go home today tell yourself your girl child should go up to university.

I understand there is another councilor from Taita Taveta. She will speak about inheritance.

Ms. Dorothy Munene: My name is Dorothy Munene. To our Commissioners and women and the gentlemen I am seeing here, how are you? I am thankful for being in this gathering. We have seen the oppression women go through.

I have worked with the women's rights organization for long to see that women are assisted. The issue that oppresses us a lot is succession. You will find that if parents die and a girl child is left behind it becomes very difficult for her to access the properties. To begin with you are told to go to court. When you go to court the money the woman is required to give is so much. If you look at it, most women are poor. We are then told that if you do not come with other members of the family you cannot get the property transferred. Most in-laws refuse to go to court. Even mothers and fathers in-law also do not agree because they also want the property. Even widows go through the same difficulty. So I am asking for such issues to be dealt with so that widows can access property without red tape. The issue of in-laws should be dealt with because this woman has children.

Something else on succession; you find that a woman is widowed and has male adult children who want the properties so much that they even grab it from the mother. What would the Government do in such a case? The woman should be defended. There is another issue that is disturbing me; when cases go to court you hear that the evidence is not substantial. We ask the Government when this child is raped is there usually anyone else around? Usually there are no witnesses and we are asking that such cases be looked into so that the child should be listened to. Rapists and people who sodomize children usually have lawyers and these children usually come from poor families; how will they be assisted? The Government should put in place laws to assist little children who are raped. You will hear them being asked, "On such a date, what happened?" This child may be 13 years old, do you want to tell me he or she can remember all the dates off head? He or she cannot. It is very difficult. We ask that a law be implemented to help children who are abused sexually. When children go to give evidence, even when they get dates wrong, so long as they know the perpetrator, the Government should consider such cases.

Another issue I would like to raise is our land in Taveta. Most of the land is a national park and others areas are owned by private developers. Where I come from there are two rich developers who come from the Kenyatta family and hold big tracks of land. The national park has taken 62 per cent of our land but as residents of Taveta, we do not get anything from it. We are very poor.

We ask that the land that is owned by the private developers be looked into; how did they acquire it? Where did they buy it? If you look at history you will see that when Grogan left, none of the presently rich people bought that land. So how did they acquire it? This land is supposed to be returned to us. Most of us have one acre and six to ten children. Where will these children live? The places are so congested and you would think it is Mathare slum. So we ask the Government to look into such land and the land be returned to its owners.

The second issue is that in the national park, we would like Taveta to receive at least 50 per cent of the revenue that they get. There are some mines also but the income from the mines does not get to Taveta residents. We are told that in Taita Taveta we have one county which is okay with us. We have had this county for long and for many years people have been oppressed. When people come looking for jobs you would hear an MP telling a child. "You child from Taveta you are coming to take our jobs". That makes it look like people from Taveta are not Kenyans. That is something that has pained us for many years. Our children used to come here looking for jobs but would not get any. We were thankful when President Kibaki gave us our own district. That is when we saw some fruits of independence. Our children used to be told they came from Tanzania and were coming to take their jobs.

If you listened to the comments yesterday, we were told they were waiting for us at the election box to see what we would get. If people are speaking like that, is there any day that the Taveta will get their rights? No. When it comes to county elections we will be oppressed because we call ourselves the minority. I think there is a law that protects the minority. I ask the Government to look at us as a minority. We should not be oppressed. We depend on the property to be divided at a round table but if it comes to the voting box, will we come out with any seat?

Because we believe the Taita and Taveta are one, the electoral seats should be divided equally. We are happy that this Commission is here so that Taveta can be looked at as a minority.

The distance between the Taita and the Taveta is very big; it is 80 kilometers and there is a national park in between. If you look at our languages they are different. Our cultures are also different so where are we connected so that we are put in one county? Those are some of the injustices that we suffer. We are going to continue suffering because we have been taken back to the Taita Taveta County.

When we got our district we were called to a meeting by Mr. Ruto when he was the Minister for Agriculture. He gave us a record of money that had come to Taita which was supposed to be given to the Taveta. We did not get anything. We were shocked when we attended that meeting in Mombasa.

We are asking for equality. Money will come and the Taveta will not get anything because there is no equality. Everything will remain in Taita. We do not refuse to be in

that county but we ask that as Taveta we should get our sub-county so that we can represent ourselves.

Thank you.

The Presiding Chair (Commissioner Shava): Thank you very much councilor. You have said so many things. Your presentation is very dense and we require a lot of time to unpack it. I think you speak very well for your people. The people, who chose you, chose well. I just want to go slowly through some of the things you said. First of all, with regard to the men in the room, which is a valid concern because you correctly said that this is a women's meeting, the gentlemen that you see in the room are people who work with the Commission and have a particular field of expertise. They are under oath and they also subscribe to a particular code of conduct. Therefore, they are people who have undergone training. They respect women and respect women's human rights. So, when you see them there they are recording these proceedings so that we can have an accurate record of what happened when writing our report. We have been travelling on the road since April and we would not be able to remember everything.

These gentlemen have a machine which is recording in the format called HANSARD so they are reporting every single word the way it is reported in Parliament. There are other people there who are sound technicians and a camera man. The gentleman at the back works with our communications department. All these people are under oath. I hope the women in the room are okay with that arrangement and you are reassured.

You have spoken about how women who are widowed are under threat of being disinherited in so many different ways. What I would say to that is there is now provision in the law which encourages the registration of marriages even outside what we had before. Before we had registration under the African Christian Marriage and Divorce Act that is where you go to church, you could get married at the DC's office, the Hindu Marriage Rites are recognized and the Muslim Marriage Rites are recognized. However, now you can even register a marriage carried out under traditional marriage rites of whichever community. You can register that marriage and get a certificate. That is one way of stopping these endless and very expensive court proceedings if your husband unfortunately dies.

Councilor, I would encourage you to encourage women to make use of these provisions in the law. As you say it is a very expensive experience. Also, even if one is not married, the law provides that the father of a child is also responsible for maintaining that child. So, we need to also encourage the mothers that when the child is born to put the name of the father on the birth certificate. It is necessary to follow processes through the children's department and the children's court. Registration of documents is a process that is there to help us.

In terms of inheritance, the Constitution now provides that girls and boys are equal. So it is important for us to know our rights so that we fight for them. Girls can inherit land including traditional land.

We have also unfortunately heard, and I never realized before that this is such a serious problem in Kenya, about women being disinherited by their adult sons. That is something that we have heard in the same way we have presented it. It is really very sad because that woman remains the mother of those boys. She is the one who brought them into the world. But now because they have their own families they begin to find their mother a nuisance. We heard this in Murang'a, Embu and so many places. It is a very sad reflection of who we are as a nation. It is really shameful and wrong if this is how we treat our mothers.

In terms of the laws of succession, a widow has an absolute right to inherit and in fact she is first in the line of inheritance before the children. Therefore, there is no way in which, if we know our rights and demand our rights, we can be disinherited in this way. It is a very sad situation but we must keep fighting. We say *bado mapambano*. We must keep fighting for those rights because nobody wants to give them to us. Many people want to take them away from us.

With regard to the rape of children I do not know why you were told not to speak about that. We must speak about everything here. This is your forum and we are here to listen to you. Everybody should speak about what they feel is useful to them. On the issue of sexual offences against children, this is really a very serious issue. We have heard it at the Coast, Central Province and the North Eastern region. We seem to have become a society that feels it is okay to prey on this vulnerable sector of our society. The children are the ones who are going to lead tomorrow. The children are the ones who are going to look after us when we are older. Why do we think it is okay to undermine their lives in this way? It is a very serious issue and you are right to raise it. This issue of corroboration and the law of evidence which says that when a child says something in order for that evidence to be accorded the proper weight, there has to be somebody else who says the same thing when in court. That is what we call corroboration. However, there is another way in which you can achieve this which is through forensic evidence. Many people do not know that in cases of sexual assault of any sort, the first thing that one wants to do is to wash because it is such an awful thing one wants to immediately deny it and forget about it. Therefore, people wash and when you wash you are destroying evidence. The first thing people should do is to go to a hospital. Hospitals now are supposed to provide P3 forms so you do not need to go to the police station and then the hospital as has been the practice.

Forensic evidence can be collected in hospital particularly provincial hospitals. There is a co-operation between the Ministry of Health and the police investigators. This kind of evidence can be provided in court and that, in itself is sufficient corroboration. When one goes to the hospital one can also be given post exposure prophylactics to guard against acquiring diseases such as HIV and AIDS because that is now the other big problem. I would encourage you also to encourage people to take advantage of those mechanisms.

Then with regard to the national park, 62 per cent is more than half the entire county. It is awful that people are dispossessed and as you said the place is developing like Mathare. We are seeing it. You can see it happening before your eyes. I wonder; do you have

discussions with people who are surrounded by parks like yourself, for example the people in Narok where Maasai Mara is? What are they doing? Are you able to learn anything from them?

Ms. Dorothy Munene: To say the truth we have not had such discussions. We are told that that is a national park. When our borders were demarcated in 1966 it shows that the national park is in Taveta. But the Government went and registered it as a division on its own. Who will we speak to? We can also have a game reserve so that we can also enjoy.

The Presiding Chair (Commissioner Shava): So you are talking about the difference between national park and game reserve. So for a game reserve the surrounding people are able to get some benefit and for the national park all the profit goes to the...

Ms. Dorothy Munene: Yes, for a game reserve the residents of the area get benefits because most of them are in charge but the national parks are under the jurisdiction of the Government.

Commissioner Chawatama: I was just going to say that like any Commonwealth county the courts in Kenya have a provision to assist the poor. Justice is supposed to be for everybody. There is a provision in the laws that say that when a poor person comes to the court the money they are supposed to pay should be waived. This is because money should not stand in the way of justice. I think one of things we will do is to recommend to the Judiciary that they need to come out and speak to people on some of these things so that people know the kind of services that are available so that they do not shy away from the courts and so that they get justice.

Speaking as a person who has handled cases involving the rape of children, we really had to undergo very special training in order to understand the mind of the child. Sometimes a child can be raped over a period of three months and yet when she is talking to you it is like it is one incident. I think one of the things we have to recommend is that there should be special training for the judges and magistrates handling children's cases. This is because half the time the law is there but if the people who are applying the law do not even understand what they are supposed to do, especially men, with due respect to men they do not want to pay attention when it is rape case or defilement. They do not want to exercise any patience in wanting to understand what is really going on. They just gloss over issues.

Again, this is one of the things we will say to the Judiciary because we are also inviting them. They really need to do something on the training of the people handling children's cases.

I think that is all I wanted to cover. Thank you.

Ms. Rebecca Mutua: Thank you very much, my sister. I have been reminded to announce that if there is any news reporter apart from the ones of the commission, even if you are a lady, we kindly ask you to leave because you are not allowed in this meeting. We have heard issues of the community and I would like to ask if there is any lady seated

here who has gone through oppression and would like to speak even when she has not recorded a statement? I will give her that opportunity.

Ms. Vigilance Wamona: My name is Vigilance Wamona, the Assistant Chief of Kandungu. I have two issues. The first one is that appointments nowadays are done at the Permanent Secretary's office. Women at the grassroots do not have access to newspapers. Sometimes, when you see an advertisement you might think that interviews are done at the Provincial Commissioners' office but you find that interviews are done in Nairobi. So, we ask Commissioners to request the Government on our behalf so that interviews can come back to the district headquarters as before.

Secondly, regarding the appointment of chiefs, we are told that you have to be married in order to be a chief. That is one of the qualifications. But there is nowhere it says that a man must be married. I know that I went to school and I am qualified. When we were in the African Women Guild it was said that the appointment of women would be increased to 50 per cent because we are looking for gender equality. Up to now, we have not even achieved 30 per cent. So, what effort are you putting in so that you can defend us to get those positions?

We have female lawyers but we do not have an office at the grassroots. There should be offices at the district or divisional levels because women have a lot of problems but they are not able to get assistance. The other burning issue is inheritance. We have many issues with inheritance in Taita. A woman cannot have a title deed. Taita women are depended upon because they are breadwinners. We ask that we should be given the ability to have our names on the title deed. There are cases of sodomy and defilement. These have been major problems in Taita Taveta. We have some cases where an old man defiled a child who was mentally disabled. The case went to court and he was released on bond. He again defiled her a second time and kept her in the bushes for a week. We do not know what is happening to such a case. When we go to Wundanyi we are that the case was transferred but the old man is free. We are asking the Commission about anyone who sodomises or defiles a child should be given a bond because it affects the child. When he is given a bond and they meet with the child it will not be able to go to school. We ask that these issues be reviewed. Thank you very much.

The Presiding Chair (Commissioner Shava): Thank you, very much. I am very happy that you are an Assistant Chief. Before, we never used to see women ride bicycles or wearing uniforms. We are now happy and proud that we can do all these things without any stigma. I am very shocked at something you said. Did I hear you properly? Did you say that a chief has to be married? Is it a woman chief or any chief?

Ms. Vigilance Wamona: That applies to all but it oppresses us. You also have to be above 30 years old.

The Presiding Chair (Commissioner Shava): I do not know what the provisions are with regard to any other job in the provincial administration but I find that surprising. I know that in the Ministry women in military service who became pregnant had to immediately

leave service. That was revised and it is not the case anymore. So, I find this provision a little bit surprising. Are you in a position to let us know where that law is written?

Ms. Vigilance Wamona: It is not written anywhere even in the Public Service Commission Act but they insist on it.

Commissioner Chawatama: I can give you two examples in Zambia where it was never a law but people were mischievous and if they want to keep something away from you they make up something. Sometimes, they will take a policy and then tell you that it is a law and over time because people talk about it over and over again, they start to believe that it is a law. For example, if you want to go to get a passport for your child they would ask you for consent from your husband. When you say that you did not marry the man then they would demand from the father. Women in my country believed that it was the law. So, they would go to the man and beg him to sign the consent and yet it was just a policy. The matter was then challenged in court and the court confirmed that it was just a bad policy. So, for anybody to say that you have to be married to become a chief, it discriminates and is contrary to the Constitution. That is something that you must challenge. I hope that you will do. It will take a woman to challenge it. I am sure that the men see that there is nothing wrong.

The Presiding Chair (Commissioner Shava): I can share my own experience: My Kenya passport is supposed to be valid for ten years. I was once issued with a passport for one year and I was in a hurry to travel. When I reached the other end I was asked why my passport is for one year. I was very confused and when I went to the immigration department and asked for answers, they told me that they did not make a mistake. They said that the young women like to go away because a mzungu has promised to marry you then you go and get stuck in Germany. I complained and was given a five year passport. That was a policy of the Government and they were giving young women one year passport. That was completely illegal. Unless we look and are alive to our rights we will continue to be discriminated against. So, do not give up.

Ms. Rebecca Mutuku: Thank you, Madam Assistant Chief. We are grateful because we have so many leaders in this meeting. I have a list of issues that we have spoken about. I am asking now if there is any woman who has been oppressed personally and she is painful. We do not want anybody to go back with the pain.

Councillor Mary Aleka: My name is Councillor Mary Aleka and I am a councillor in Miruga Ward. I am also the vice chairman of our commission in Taita Taveta. If it is bitterness, I have a lot of that. I do not want to speak about it. I am only worried about one thing. My wish is that if this Commission is in a position then it should help women. The problems that I have gone through, I cannot even speak. I should not even be alive. I could have died long time ago just because of being a councillor. When I was here, I told the chief that I want to leave because what is being spoken here reminds me of what I went through. I took my husband to court and he was convicted.

(Women broke into song)

I am worried about the women who are married and they want electoral seats. Right now we have a new Constitution and it says that 30 per cent should be women. I do not think that the 30 per cent will be achieved. If it will be achieved it will be for the women who are not married. I am not going to vie for any position. I live with my husband because I am protecting my fellow women because they can be told that women leadership is not good. I have a shamba now and built a house. I have a child in Kenyatta University and my husband said that he cannot educate a girl. I worked hard until my daughter continued with her education. I am requesting this Commission to educate the men. Let them understand that women can also lead. When you have a political seat, then you have to arrive home late. It got to a point where I asked my husband to give me a vehicle with a female driver and a female bodyguard. For a woman to be interested in a political seat she goes through a lot of problems. I can assure you that since I went into politics I separated rooms with my husband. The problems I go through are many.

The reason why I am sad is that as women we do not love each other. Women speak ill of others who are in politics. I have gone through many problems. I have slept in the toilet on two occasions. He had kicked me out of the house. I want to encourage those who want seats, but let them know that there are many problems associated with it. My husband is a teacher and I have never seen his pay slip. I have educated my children through working in the farm. As a mother I had to work hard. Let us work together as women, meet in workshops, get civil education and love each other. We should help each other and speak the truth. If it is a case of a man and woman bring them together and let them talk to each other.

I sometime listen to programmes on the FM radio stations and I get very bitter when I hear that women are not good leaders. There are many homes in Taita here where women are in charge. As a woman if you are not committed, your children will not eat, go to school or even sleep.

If my heart was at peace I would tell you what I have gone through in my life with my husband. I am still with him but I had taken him to court. My worker is the one that has saved my life on three occasions. On the first occasion, he took a mortar, came in the house and threatened to kill me. He told me that if I do not die, I will not do that job. He brought chairs and the radio. He wanted to break the television but was restrained by my son. In the last occasion before I reported the matter to the police he had refused to take my child to the university. I asked him why he had not even bothered to open the letters addressed to the child. He assaulted me in front of my children. He even said he does not know the fathers of my children. He told the children to ask me to tell them their fathers.

(Women broke into song)

The Presiding Chair (Commissioner Chawatama): Thank you very much for trusting us. I speak for every woman gathered here with the pain that you had to endure. It reminds me of stories that I have often heard about the life of a pioneer; how pioneers really suffer. They suffer because most of the time or nearly all the time, it is not about them but

about the people who are coming because they have endured and gone through so much pain. They have been so broken. There is a verse in the Bible that says that unless the seed falls to the ground it cannot germinate. I am so sad. That seed has to die before it can bear much fruit. So, my dear sister you are a seed and you fell on the ground and you are now going to bear fruit. If women give up and do not vie for seats, a vacuum will be created and that vacuum has to be filled. So, you can imagine the consequences of women giving up. We are going to have parliament of men alone. We will have men in the judiciary and everywhere. It would be said that the women of Kenya have given up. Sorry for the pain that you have suffered. My prayer is that the pain is not in vain. I know and believe that despite the words that were spoken by your husband, I know that your children have a lot of love and a lot of respect for you. I also know that they are succeeding. Your daughter who is at the university has kept that commandment of honouring you as her mother. So, my dear sister, find comfort in having been here and having shared with us. You will continue to make a difference. Please, do not give up despite the fact that you have land and built a house. The reason why you are going through so much pain is that yours is a calling and when you have a calling, you can run but you have to come back to do the work that you have been called to do. So, you cannot give up. When you want to give up, think of Jonah and just say, yes, Lord here I am use me and continue. You will stand and you will continue to be a councillor. You will stand and go to Parliament.

Councillor, I have never been here although I am a Kenyan. I have been to Voi many times but I have never climbed this beautiful mountain. I will always remember the first time I came here because very important things have been said in this room. I was in Kitui where we had a meeting like this. I want to tell you that the Assistant Minister, Wavinya Ndeti raised the issue you have raised. She said that the husbands need counseling. When you are in Parliament with fellow women Parliamentarians and men also, you need to talk to everybody including men who are colleagues. This makes us be called names. We were in Kilifi and a woman spoke saying that she is fighting for the rights of women who are working in the salt mines. When she went to complain to a public official he opened his desk drawer and gave her a packet of condoms. He told her to stop doing that work and do the work that women are known for doing. These are the attitudes that we have to fight. You are very correct to say that we need to do a lot of civic education for men. We are the examples for our children. Your children are not going to be like their father because they can see him and they can see you. They can know who is doing the right thing. We are judges and we are where we are because the women who have gone ahead of us have had courage, strength and they have not given up. The women who are going to come after us and after you will have that courage and strength because we do not give up. We are all the same. Our tribe is one and it is "woman". The things that happen to a woman who is a Minister are the same things that happen to the woman who helps you wash clothes in your house and they happen to us because we are women.

So, when those issues come up, the 30 per cent that is talked about is because we want to serve everybody including women, men, boys, girls and people living with disability. We care about the whole community. We care about equality and we also care about

everybody in every culture. We are tired of being discriminated against. So, we are going to continue to fight for these positions where we can make decisions. People who make decisions about our lives do not take our needs into account. I keep telling this story about how when we were fighting for availability of sanitary towels so that girls can go to school, we went to talk to the Minister for Finance, he was very surprised because he said that the reason why sanitary towels were being taxed at the same rate as luxury goods like whisky and cigarettes is because they thought that sanitary towels are things that we put in our hair. They thought it was a beauty product. The people who sit in the Budget Committee are men. Once you explain to those men how much money they are paying their wives and daughters they quickly saw our point. Initially, there was nobody to tell them because we are not in those positions. Fellow women, we must continue to occupy those spaces.

Ms. Rebecca Mutuku: Thank you Commissioner. I would like to reiterate the issues that you raised here. You have said things about Taita women; it is not only the Taita women but all the Kenyan women. Where I come from if a lady does not work hard the child will not go to school. So, it is our responsibility as women to make sure that our children get educated and fight for our rights. If you want to be a leader, go for it and fellow women should support you.

We agreed that the issues that we speak about will be left here. Do not go and speak about what has been said here even if you have not experienced it yourself. Tomorrow, it could be you but we do not wish that you go through it. We pray that you may have a good family. Is there any other lady who has something personal to say?

Ms. Margaret Mkacharo: Commissioners, my name is Margaret Mkacharo. I am a person with disability. My pain is on the issue of leadership. When a woman is a leader somewhere the men are not usually happy. I was in a disability group in Voi and was elected as the chairperson. At that time, I used to drive. Men came together and said that they do not want to be led by a woman. One man volunteered to come and lead the organization. I went through a lot of difficulties. I had to quit that position before my term elapsed. I decided to go to the Social Services Officer for assistance. The social officer did not take any action. I went back a second time and no action was taken. I went back again for a third time but still no action was taken. I took the matter to the chief and he promised to look into the matter. They discussed the issue with the social officer but nothing was done. So, the social officer decided to announce for an election. After that someone went to Malindi FM station and talked about issues touching on my name. I was very bitter about it. Even right now, I am still bitter. I know that he cannot bring together all the disabled people. Actually, women have many problems.

Women have many problems. Look at small positions as a leader of disabled persons. You are hit until you even fall off your seat. That really oppresses us, as women. We, as women, have to change and love each other. If you see a fellow woman going through that, why do you not sit together and agree to refuse to go through that? Why should this woman be removed from her position without doing anything wrong? Any group has its constitution and it is clear on how a person should lead. We should follow the

constitution. If it says that it is two years, then she should serve for two years. Women really have to love each other. If there is a woman leading us, let us support her so that she can go where she wants to be. But if we say that the men are the ones who will take us there, then they will become leaders everywhere. Even in our houses, if a man is doing something that is not right and we, as women, say that it is not right, we should be listened to.

That is my pain. God bless you.

Ms. Rebecca Mutuku: Sorry! We understand how we are being oppressed. I can see two hands. Do you have a personal experience? I would like Mama Hilda Mgendi to speak about the widows and orphans.

Ms. Hilda Mgendi: Thank you. My name is Hilda Mgendi. I am in pain because I am a widow. We were two widows but the other lady was murdered in the house. When she was murdered, these issues were taken lightly and she was buried. After her burial, the family turned against me. They claimed that I am the one who arranged and killed their mother. When my co-wife was murdered, I reported to the police station. The police came and took her body. I told the police to take photographs so that we could know who committed the crimes, but that was not done. When we got to the mortuary, I told them: "I want this woman to go through the postmortem before the burial." I was told that the officer in charge of postmortem was in Voi. We told them to come to Witu for the postmortem. The doctor said that he could not wait for the postmortem expert. That was done before the policemen and someone else that I was with. When the postmortem was done, we buried her and kept quiet.

Later, it was alleged that I arranged for the murder. I got a lot of problems. All the children turned against me.

(The witness broke down)

When that was over, we sat and talked about it and started getting on well. Later, again, issues came up. An in-law of mine was murdered mysteriously and the Government did not take any action. In Mburia region, people disappear mysteriously and nothing is done about it. Also, people are murdered and buried, but we do not see the arm of the Government following it up on our behalf. I know that the Government has postmortem experts and it can follow up cases of murder, so that the culprits can be arrested. If that had happened, the children would not turn against me and say that I did it. That is because there would be someone who will have been arrested for murder.

There are two people who got lost just a few days ago. A woman got lost in Mburia and we do not know if she was murdered. I ask this Commission to fight for our rights on that issue because we feel that we are being discriminated against.

On the issue of orphans, there are children who are left behind. Some of them are very bright and do very well in school. We, therefore, ask for some assistance in such cases. There are times when orphans pass examinations and they are given money for one term

only. They will just drop out. One of them dropped out of school and finally got pregnant at a very young age. This is a problem on top of problems.

That is what I have to say.

Ms. Rebecca Mutuku: Thank you, Mama. Sorry for what you have gone through. God will help you because the truth really saves people.

We would like to hear from a woman who will speak about compensation. She was injured at her workplace and was not compensated.

Ms. Anastacia Mwasaka: Thank you. I had worked for 15 years in good health, but when I got injured, I was thrown out like some trash. The doctors were on strike when I got my injury. I was laid off and do not have children to assist me. I got injured in November, 1997. That was when my problems started. Right now, my tongue and saliva have turned yellow. When I eat, I feel a burning sensation. I also feel like my ribs are deformed. On my back, there is a bone that is deformed. I got a lot of problems and up to now, I have not been paid. I have children who are in school and some of them are unable to go to school. I do not have a husband. I am sad because most sisal workers get problems and are laid off without pay. Many of them get injured and no one cares. You have to report to work at 4.00 a.m. and go back home at 3.00 p.m. and you have children at home alone. Our children in Mwatate are unable to go to school because of lack of fees. When we go to our chiefs and Members of Parliament, we are told to go and work hard in order to educate our children.

I would also like to speak about the people who have been laid off without pay. Most of them have been out for a long time and have not been compensated. They did not steal anything but they were laid off.

Others are oppressed on their land. I have a letter from the chief. They told me that this land does not belong to me but my neighbour. I am unable to get a title deed because I am told that the number is not mine. How will this land be my neighbour's and yet, he has his land and I am on the other side? I do not have parents and I am unable to get the title deed of the shamba.

Also, my daughter went to Mombasa with a man. When they got there, the man became a drunkard. He beats and bites her and yet, she is pregnant with his child. She is barred from sitting with her neighbours because he feels that they will teach her how to live. The man leaves for work in the morning and she does not know anyone there who can assist her. She suffers a lot. When I go to the chief, he tells me that I am the one who spoils my children. So, my daughter has got a lot of problems in Mombasa. When I called the man, he would say: "Do not give me problems. I will come home at the right time." How will we assist our children? The chief was bribed and said: "Why did this girl not report to the village elder? Why did she not go to the hospital and record a statement with the police?" Since the girl is new in the area, she would not have known where the hospital was. That has given me a lot of pain, but I thank God because she is here. All parents should have a

heart to assist our children. Let us not favour the male child, because the pain of a child is equal for both girls and boys.

Thank you for listening to me. I have spoken on behalf of the sisal workers who have a lot of problems. We do not know if the Truth, Justice and Reconciliation Commission can help us in any way. Some have worked for up to 30 years.

Commissioner Chawatama: Can I ask you a few questions? You can sit down if you want.

Do you know how much the people working in the sisal farms are paid?

Ms. Anastasia Mwasaka: They are paid in sections. The lowest paid section is Kshs180 per day. The ones who cut sisal get Kshs290. That is the highest paid worker. That pay is little and the work is very hard.

Commissioner Chawatama: Do the men and women get the same pay?

Ms. Anastasia Mwasaka: There are several sections. One of them involves cutting sisal and farming. There are those who take the sisal to the machines which make brushes. There is one person whose hand was cut off.

Commissioner Chawatama: So, if the men and women work in the same section, do they get the same pay?

Ms. Anastasia Mwasaka: No! Some of them are paid little and some more. For example, those who cut sisal and the brush makers are paid differently. The lowest paid are the ones on the farm.

Commissioner Chawatama: What sort of diseases have you seen in the 15 years that you worked on the sisal farm that people suffered as a result of working on these farms?

Ms. Anastasia Mwasaka: For example, right now, when I go home, I cannot do hard work. When visitors come home, I am unable to cook. I cannot carry big jericans of water. I cannot also farm because some of my ribs are deformed. I also have a problem on my back.

Commissioner Chawatama: When you were laid off, I believe you said that it was on medical grounds. Were you referred to a doctor? Did the doctor write to the company?

Ms. Anastasia Mwasaka: I have a document here showing that I went to doctor. I was told that I should be given light duties, but they were unable to implement that. They told me that if I did not want to work, then I could stay at home. I could not do the work of uprooting the seedlings, because I was sick.

Commissioner Chawatama: We would be very happy if you could share with us the documents that you have, so that they can assist us. You did not leave your workplace because you wanted to, but you were not well. When you asked for your compensation for the 15 years, what did your employer say?

Ms. Anastasia Mwasaka: The Company said that if I were unable to work, I should stay at home until I got well. I continue with medication and have to buy medicine from private hospitals. When I got injured, the doctors were on strike and hence, did not get the right treatment but I bought some medicine and later went for an X-ray.

Commissioner Chawatama: Thank you very much.

The Presiding Chair (Commissioner Shava): I just have one question for you. What is the name of the company or sisal estate?

Ms. Anastasia Mwasaka: It is called Mwatate/Taita Sisal Estate.

Ms. Rebecca Mutuku: Sorry, give us the documents that you talked about. I have four women who are left and time is lapsing. The commissioners have another sitting in the afternoon. So, I would like you to take three minutes when you come to speak.

I would like Jemima Zena to explain about the traditional and cultural beliefs, but, please, do not repeat what has been said.

Ms. Jemima Zena: I would like to thank you all. My name is Jemima Zena from Mburia. I am a children's counselor. I will speak about traditions and customs. We are Taitas and some people still hold on to traditions which affect the life of the girl-child. That affected my life, despite the fact that my mother worked hard to support my education. I was able to go up to Form Four. When I got to Form Four, I continued with my education and went to a private secretarial college. I took a course in office reception. The office where I was working had a lot of visitors. Usually, if you are a lady who is exposed professionally, you are noticeable. When you get an opportunity and you tell the old men about it, they take it lightly. For example, I had a male friend whom we understood each other well. We courted for two years, but when I brought up the issue before my parents, they ignored it. Since then, it has affected my life. By God's grace, I forgave them and continued serving in the church. The elderly say that a woman cannot tell them anything despite her being educated. We should fight that situation.

The other issue that affected me is the weakness in our family. One elder in our village came and asked me: "Do you know that your blessings are in church? When your grandfather changed churches, everything of yours was destroyed." So, it got to a point where I was interviewed to be a pastor. During the interview, I was asked certain questions. All those who were interviewing me were men and did not want to agree with my answers. My heart was broken and I let the opportunity go but by God's grace, I am still going on.

Thank you.

Ms. Rebecca Mutuku: Thank you. Continue to have courage. God has given you gifts which you should use because He is the one who is protecting you.

Evangelist Eileen, please take five minutes to speak about the drug abuse issue.

Ms. Eileen Mwaita: Our commissioners, all protocols observed. We are lucky to have such a Commission in Kenya. I am happy because there is a sign that what we are talking about will have a solution. I congratulate the Commission for that. Regarding drug abuse or alcoholism in general, if we are not careful, our County of Taita Taveta will continue to lag behind. I did a research recently and found out that our children in schools have started what we call *Ugoro*, which is a drug. *Ugoro* is tobacco. At the moment, even in schools Voi, children are eating tobacco. The effects of all that is that, men are not able to perform and sire children. If that continues, our county will not have people.

The other thing that I have seen is incest. Because of alcoholism, you will find a girl being impregnated by her uncle or even father. Such issues are hidden and they just pay for the damage in silence. Also, as the fathers continue to drink alcohol, their sons follow the same example. The women are really suffering and struggling as a result of alcoholism. There is an incident where a boy smoked bhang and went home. He asked the mother whether or not food was ready. When the mother said that she was still cooking, he picked a stone and hit the mother and she died. He was arrested and taken to Shimo La Tewa Prison.

Again, husbands die due to alcoholism and the women are left as widows. The sons start selling the family property and the mothers cannot help.

Taita Taveta is lagging behind in terms of education. I have been a teacher for many years and I know that Taita used to lead in Coast Province when it came to examinations. Last year, we were second last and today, we are third last. That pains me a lot because our children are not even called for interviews. The children from Taita are very few in the university. In the end, we will not have professionals in this area. This is an issue that we should take into account as women. I will vie for the post of a women's representative because we have been crying and the Government has heard us by creating seats reserved for women.

Even in churches, if you are a woman, they just go against you. They do not give you what you really deserve. Women should continue to be strong.

Why do men drink? Is it because of women? Why do they go looking for mistresses? Is it that they lack something from their wives? A research should be done concerning alcoholism. I am also undertaking the same research. There is a book that I am writing on re-education of men. This is because men have left women who are affected more.

I will leave it at that and I am ready to be asked any questions.

Commissioner Chawatama: I think we are also asking ourselves the question: “Why are men drinking so much? Why is there a rise in drug abuse?” I think some of the answers that we have come across include lack of employment. Men have lost their means of supporting their families and became depressed. They find it easier to get drunk or use drugs, which is also very sad.

You said in your opening remarks that you saw a sign of solutions that this Commission will give regarding what is being talked about here. I think Commissioner Shava should address the issue of the weight of the recommendations that we are going to make.

The Presiding Chair (Commissioner Shava): I will start by asking you to repeat your name.

Ms. Eileen Mwaita: I am Evangelist Eileen Mwaita. I would like to add that we have poverty problems, but I thank God because I was called for a meeting in our university. I was happy to see even women being given certificates for studying religion for two weeks. The women should not be ignorant. We should look for ways of being educated. I am happy that we have minerals in Taita, but we do not know them.

We should not just sit, but we should look for ways of being educated. I thank God for this woman. For sure she was there, and I am asking that she is given a chance to talk to us about the mines. I am happy that here in Taita we have mines and minerals but we do not know more about minerals. We are here and we are saying that we are benefitting a lot from minerals. I have looked at the newspapers articles concerning the minerals. The national parks have a lot of minerals. So, God has blessed us a lot.

The Presiding Chair (Commissioner Shava): Humility is the beginning of all wisdom. Sometimes when we are going around the country, we listen to people blaming other people, for everything that happens to them. It is very encouraging listening to this discussion and especially to what you have just said. We notice that over here, there are mines; why do we not know what goes on there? Why are you not benefitting from them? I would encourage that kind of attitude.

I just have one question for you before I go to the issue of our recommendations, which is about education. My own mother benefitted from education in this region; she came to high school here but we are not from here. So, yes, indeed, the education standards here were very high and there were opportunities for people from all over Kenya. As a teacher of many years, can you tell us why is it that the education standards have fallen in the way that they have?

Ms. Eileen Mwaita: I appreciate that question and I will speak the truth. Perhaps I will not name names, but the other time we had a PDE who came from the lower section. And as we used to hear, his agenda was that since Taita was leading, that his people had to be elevated at our cost. So, he would transfer the good teachers.

Another problem is drunkenness. I used to attend the ACK Church and they elected me the education secretary. I travelled through the whole of Taita and discovered that drunkenness has affected teachers. In fact, the teachers who are in the interiors where the inspectors do not go do not report. A person is working very far from the education office, so, he or she does what he or she wants. They can miss going to work and instead work in their *shamba*. So, drunkenness and lack of inspection contributed to the downfall in performance. The worst thing is drug abuse, because with alcohol, it is the teachers together with the students who are affected. That is the situation. There is also the competition for the girls in some mixed schools. For example, there is one school that is known as Mwangeta for boys, but it is now a girl's school and that will continue. Once you have a mixed school for both boys and girls, you find that the teachers may like a certain girl and you find enmity cropping up between teachers and boys. This has happened in a school that I will not mention, but the school was burnt down because of the rivalry over girls. So, we have such situations and it is very unfortunate. But personally, just like two weeks ago, I went to the District Education Officer (DEO) in Voi and I told him this. Sam, my late husband and I were teachers and we visited these schools when they were doing very well. In fact, Kenyatta High School was doing very well that those who were going to university from the school were more than all the other schools combined in the district. I think that as Taitas, we should be serious because if we continue joking, our children will not get jobs and our tribe or community will not have any people because of drunkenness. So, how will we live as women? We have proof here, as our sister told us that it is a very serious matter. God bless you.

The Presiding Chair (Commissioner Shava): Thank you.

Ms. Rebecca Mutuku: Okay, we shall continue. I would like to call leaders from Maendeleo Ya Wanawake Group who are here. Please, Commissioners, we would like to go for another meeting and listen to another meeting. I would like all the three of them to come here and speak, but they should take three minutes.

Yes, the leaders from Maendeleo ya Wanawake Group!

The Presiding Chair (Commissioner Shava): Leaders, please, come forward. I thank Maendeleo ya Wanawake for being here. They have been with us in many places namely northern Kenya, Mt. Elgon and other places. So, we recognize you and we thank you for participating and you are very much exposed to the issues. So, we are sure that you will give us just a good, quick summary of all the things that we have been talking about so that we can go to the public hearing where we will also be interacting with men.

Mrs. Josephine Mboje: Commissioners, ladies and gentlemen, good afternoon. My name is Josephine Mboje and I am teacher by profession. I come from Tausa Division of Voi Constituency. I have a lot of issues but some of them have been mentioned here. In Maendeleo ya Wanawake, I am the Vice Chairlady, Taita Taveta County, and I have been working here for the last 15 years doing community work from CDF and education. I have been a chairman of school boards and even a director of Coast Water. I have seen a

lot of things and I am sorry to say that some of them, we have caused them and we do not want to get out. A woman of this county is very persevering; they do not like talking about issues which affect them, and this is because of the culture. Culture has affected them and religion has affected them too. I would like to state here that I am a lay reader and I stand in the church and preach but sometimes I criticize it. Culture makes us restrictive. Normally, when a man marries, they will buy a chicken and a goat for you to keep you in the home so that you do not leave that home and you do not go late in that home.

The other thing is keeping silent. If you find anything in that home, you must not mention it elsewhere. Even the preachers say that you do not know this husband, but tonight, you will start knowing him. But whatever you discover from him, do not say it outside, you keep quiet. That is sickening! So, women keep quiet and they persevere. I have seen women staying alone for years, bringing up their children and you think they are widows, only to discover that their man is in town and he will come back when he is very old and the women takes it as if it is normal or okay. When I mention it to them, they say; “maybe it is you, educated women; you are bringing ideas which should not be there.” and they believe that all that work is theirs. I tell them that the Bible I read tells me all this work is the man’s work; mine is to assist. How come you are saying that this entire job you were given by God? The Bible does not say that. In religion, we are told submission and obedience, and it is over-emphasized in the church. But when it comes to the responsibility of the man, it is hardly mentioned and it makes me feel sad. Because of that, women are being abused day in, day out. There is physical abuse and I have heard somebody mention here that they are beaten with a pestle. It is as if they have decided to do that. One woman came with a broken hand because she was trying to avoid that stick hitting her and even the husband did not take her to hospital. We contributed money to take her to hospital. I told her that I can help her get justice but she said that she will forgive him. She came later and told us that she had forgiven him, and still that woman is being abused. The other day she came to me and told me that her husband had taken all the goats to take them to the ranch, only to go and sell them and get drunk. I told her: “Last time I told you that if you had put this man in for a short time, this time he would not have misbehaved. But you forgave him.”

What I would like to say is that sometimes women are abused, but the process of seeking justice is not easy. Sometimes a woman or a girl is raped, you go to the hospital, get treatment and you are told to go for the P3 form from the police station, but that form will not be completed until a certain day when the doctor will be available. You end up moving up and down, and if you have no resources, you will just give up. I have seen many women with P3 forms which are not filled or completed and they are useless. That process should be improved so that when you are being treated, the form should be filled immediately. Raping, even of married women, is going on. One woman was telling me that she was seated with the brother who had come to visit, the man came drunk, grabbed her and told her: “You think you came here to talk, you came here to have sex with me,” and she was grabbed and led to the bedroom. That is raping. It cannot be sex to be enjoyed. Or, the man comes drunk and while on the way starts to sing: “Make sure you

have removed your underwear; I am on the way coming!" Surely, that is sickening to a woman and it is emotionally upsetting. That is raping.

It has been mentioned here that incest is very common in Taita, and yet they are saying that they are very religious and the same women will not even speak out. One told me that the husband who is old, a grandfather, is sodomizing a grandchild and all the woman does in the morning is to use some hot water to try and relieve the pain of the grandchild; and you accept that and you do not want to talk about it? It is sickening! Maybe it is because you were told not to talk, but if we are going to change things then we must start talking. If we are going to change anything, we must choose women to represent us in those decision making organs because laws are made in Parliament. If we have no women there, whatever law they make, they will not make one which favours you. I remember I was teaching and I never got my allowances because I am a married woman and the husband is supposed to take care of me. So, mine is taxed, but it was a law made there. Every two houses you go, you will find a girl with children and nobody is taking care of them. It was a law that was passed. Even now with the new Constitution, a lot of education is required because if you tell a man, "you are responsible for my child," he will deny it and that finishes that girl because she cannot go any further. They do not know what to do if the man refuses to take responsibility. Many men avoid responsibility. They stay away and wait for the woman to educate the children only to come back later and demand whatever you are getting from your sons. They even want the dowry. Some stay away and they come back sick and they want to go back to the wife. A man comes back after being away for ten years, you have been alone here and when you tell him to go for HIV/AIDS test, he refuses. The women tell you: "Your husband has come back, you better forgive him. You know he has been brought back by God." So, she welcomes him back only to discover that the man was sick and soon, both of them are going to die. The few who are courageous to refuse – I remember one in Mkwachuni who refused and even in the church, she was told that she was doing a wrong thing, but she refused to have him back. She said that she had been alone all the years and if he agrees, they should go for testing at the hospital and then they can go back to normal life, but the man refused. Within a very short time, the man started becoming sick and he died alone. He left the woman, but she was a courageous woman. Some homes are not even homes but the woman will persevere just to be called "Mrs. Somebody." I have seen women who have decided they do not want to get married; they are decent women but the women will not respect her. Even if she wants leadership, they will tell her that she is not married and yet those marriages which they have are not worth calling a marriage. But if you are not married, that is wrong. We need to stop these abuses. Some women stopped working because they have been told by their husbands to do so if they want to marry them.

Anyway, there are very many abuses. I had written down very many, but we need to change. If you are poor, the man will abuse you. Dowry payment has also contributed to the abuse. Some have commercialized it by saying: "My daughter is a university graduate, so bring Kshs400, 000 as dowry," and you can see people discussing as if they are selling something and the men are the ones who discuss, not even the women. Women, please, let us change. When it comes to the dowry of our daughters, we should be the ones to talk, not them and it should be minimal; just to seek blessings and not for

somebody to think that they own you now. Because they paid that dowry, now you are his property. No, we do not want to be a property of somebody. We want him to respect us and we respect them.

They should not have authority over us and make us do anything they want us to do.

About land issues, the Constitution allows us to own property, but I do not think in Taita men want to give women land. Make sure they do it; make sure that when property is being registered, it is jointly registered in the names of the wife and husband. Some women take care of cows at home but when a man decides to come and sell it, he will sell it and you will not even be told how much it was sold, and yet you are the one who has been taking care of it. It is not fair! So, for a married man, it is mandatory; all property should be jointly owned, including cows, goats and chicken.

(Applause)

The Presiding Chair (Commissioner Shava): Thank you very much. I think we have managed basically to cover very many issues. We are here today and we are here tomorrow. This afternoon we are proceeding to the public hearings. This is the women's forum, so it is only for us. In the public hearings, we are going to also hear a lot of other issues. So, I will encourage you to, please, come with us. Rebecca will now tell us where the venue for the public hearings is. We will be joined by our fellow Commissioners either later today or early tomorrow for the public hearings.

I would like to make a few remarks but before that was there another lady from Maendeleo ya Wanawake so that she can just stand so that we can recognize her, because we have run out of time?

Ms. Rebecca Mutuku: She hurt her leg and she has gone to hospital. She was here yesterday.

The Presiding Chair (Commissioner Shava): I am very sorry. That is okay. I just wanted to recognize her.

Who else is from Maendeleo ya Wanawake? If you, can just stand where you are so that we can recognize you.

(Maendeleo ya Wanawake representatives stood up)

Thank you very much for coming. I think and hope that many of the things and issues that you wanted to speak about have been covered. If there are any particular issues you feel have not been covered, we have statement takers here with us and you are encouraged to write a memorandum and leave it with them so that it can form part of the records of the Commission. So, we thank you very much.

(A lady stood up in her place)

You wanted to say something?

Mrs. Fridah M. Mwadime: I have two issues.

The Presiding Chair (Commissioner Shava): You know we actually have people who have already set up. I am so sorry. But, maybe, I will just give you just half a minute just because I know you want to speak. But restrict yourself to things which have not been spoken about because I think we covered a lot of issues. Come in front and, please, focus on the two issues only.

Mrs. Fridah M. Mwadime: Okay. Thank you very much. My names are Fridah Mwanganga Mwadime and I am a teacher by profession. I am also a social worker and I am in charge of several boards in this county. One of them is Shimari Girls High School.

I appreciate all the issues that the women have spoken about. Mine is just two issues. The first one is concerning HIV/AIDS. In Taita Taveta County, there are several areas that are hot spots, starting from Mackinnon Road, Maungu, coming to Voi and then Taveta. This is because usually Taita men work in the towns - as one woman mentioned - women are left alone in the rural areas to look for employment and funds. When the men come back home, most of them are usually sick because of the hot spots. There should be a law that obligates them to be tested, because when they come back home, they infect the women and, eventually, the women leave the children behind as orphans. The four hotspots of Mackinnon Road, Maungu, Voi and Taveta are within this county and many of our people have been infected and, therefore, affected by HIV/AIDS.

I would also like to talk about politics. Councillors and other people have spoken that we, women, are suffering a lot. I do not know what measures we should put in place so that we get some civic education on leadership and ethics. At the moment, the community expects a lot from whoever vies for a seat, be it a councillor or a Member of Parliament. If it is a woman vying, the community expects her to be a saint, holier than Jesus; a woman who is faultless. But looking at the other side of the men, even the ones who are known to have done this or that, they are all looked at as saints. The worst bit is that it is we, our fellow women - today we are crying in front of this Commission - who are our own worst enemies. When a woman vies for a parliamentary or a civic seat, the first question that she will be asked is; if we give you the seat, what will you do for us? Does she have anything to give us? Maybe the man has something and they will even say this openly; what does she have? But for men, that is not asked. That is the thing that has continued and that is why Mary said that unless women who are already in positions change our thoughts and opinions, even our cry before this Commission will be of no help.

Another issue is that, the women who have joined politics – I am grateful that you mentioned Mama Ndeti's issue – if you come here and do politics and you are given the title of honourable or councillor, already the community turns against you. You are a prostitute and you are not worth it. You are called names. In Taita, they say that you are sitting on the man and that is why you are vying for the seat. Because of that stigma, even

my fellow women also incite and it looks like it is the truth. That is something that has affected women in Taita.

Finally, I will touch on business. Commissioners, when you are coming from Mombasa, if you look at every business station and centres, you will find that most of the people there are women, but there is something that is hidden in these businesses. Every item that these women sell, for example, if this woman has taken bananas from Taveta, when you cross over, you pay for cess. Even when they go to the Voi Market, they pay cess. They also pay cess when they go to Mombasa. By the end of the day, when they sell their goods, they do not get any profit.

(Applause)

The same women – I do not have the statistics – but many Taita Taveta houses are headed by women. Most of the homesteads are headed by women, and these women are just business women and yet, it is the same businesses that are being overtaxed. By the end of the day, the woman is depressed, she is unwell and she does not have anyone to turn to.

That is all I would like to speak about. I would have said a lot, but since time has passed, I respect that. We will speak in the public forum for the men to hear us too.

Thank you.

The Presiding Chair (Commissioner Shava): Thank you very much.

Ms. Rebecca Mutuku: Thank you very much, our Commissioners and women. You have really persevered and I know that two more people would like to speak, but we have to release the Commissioners to go to the other hearing. They are already late, but we thank them because they have sat with us and listened to us. I would like to thank the women for speaking about the women issues in the community without fear. Continue like that and we will win because we are leaders. God did not create us to be disabled in the brain; we have brains, we have resources and we will continue fighting for our rights and we will win. We will join hands together.

I would like now to have one woman to stand up to sing and pray so that we can release the Commissioners for the other meeting. But we can sit and have tea and shows for the women. We will continue to do that as the Commissioners leave.

(The women sang a song and prayed)

(The Commission adjourned at 2.35 p.m.)